IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

CIVIL WRIT No. 4820 of 2005

JAGDISH PRASAD & ANR.
V/S
STATE & ORS.

Mr. JP JOSHI, for the appellant / petitioner

Mr. SANDEEP SHAH for Mr. PRADEEP SHAH, for the respondent

Date of Order : 15.2.2007

HON'BLE SHRI N P GUPTA,J.

ORDER

Heard.

Learned counsel for the respondent submits that application under Section 90 B is still pending. Respondent will consider the application under Section 90 B of the petitioner on merits within one month and until the application under Section 90 B is decided the status quo shall be maintained. If grievance of the petitioner remains after decision of the application under Section 90 B he will have liberty to avail such appropriate remedy in appropriate forum in accordance with law.

Learned counsel for the petitioner in second prayer has said that the award which has been passed should be set aside in view of the circulars issued by the State Government under Section 90 B of the Land Revenue Act.

Since the acquisition itself is not under challenge, the natural consequence of acquisition is that the award has to be passed. The award cannot be challenged on the ground of the circulars issued by the State Government and to this extent, the prayer of the petitioner cannot be accepted.

With these observations, the petition stands disposed of.

(N P GUPTA),J.

/Sushil/